

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ERIKA BAILEY-JOHNSON,**  
*Plaintiff-Appellant*

**v.**

**UNITED STATES,**  
*Defendant-Appellee*

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2021-2351

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Appeal from the United States Court of Federal Claims  
in No. 1:02-cv-01078-VJW, Senior Judge Victor J. Wolski.

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**ON MOTION**

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Before DYK, REYNA, and CHEN, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Conceding the outcome of her case is controlled by *United States v. Tohono O'Odham Nation*, 563 U.S. 307 (2011), Erika Bailey-Johnson moves unopposed for summary affirmance of the United States Court of Federal Claims' judgment, so that she can petition the Supreme

Court of the United States to reevaluate its holding in *Tohono O'Odham Nation*.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted to the extent that the judgment of the Court of Federal Claims is affirmed.
- (2) Each side to bear its own costs.

FOR THE COURT

November 23, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court